

Appln No. 09/885,307
Amdt date October 11, 2005
Reply to Office action of August 12, 2005

REMARKS/ARGUMENTS

Claims 1-6, 9, 11, 18-29, 31-33, 40-46, 48, and 50-55 will be pending in this application upon entry of the above amendments. Claims 24 and 52 have been amended. Claims 12-17, 34-39, 47, and 49 have been canceled. The amendments do not require further search or consideration by the Examiner. Entry of the amendments, and reconsideration and allowance of the now pending claims 1-6, 9, 11, 18-29, 31-33, 40-46, 48, and 50-55 are respectfully requested.

Claims 24 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant submits that the amendments to claims 24 and 52 overcome this rejection. Withdrawal of the rejection under 35 U.S.C. 112, second paragraph, is respectfully requested.

Claims 18-21, 23, 40-43, and 45 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gang. Claims 1-6, 9, 11-17, 22, 24-29, 31-39, 44, and 46-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gang and Rosser (U.S. Patent No. 6,446,261). Applicant respectfully traverses these rejections.

Independent claim 1 recites "automatically processing audio signals of an audio piece and compiling audio characteristic information including acoustic information associated with the audio piece based on the automatically processed audio signals." (Emphasis added). Independent claim 18 recites "automatically processing audio signals of at least one of the plurality of audio pieces in the first database and, based on the automatic processing of the audio signals, generating an audio feature vector . . .". (Emphasis added). Independent claim 24 recites "a first processor processing audio signals of an audio piece and compiling audio characteristic information including acoustic information associated with the audio piece based on the processed audio signals." (Emphasis added). Independent claim 40 recites "a first processor processing audio signals of at least one of the plurality of audio pieces in the first database and, based on the automatic processing of the audio signals, generating an audio feature vector . . .". (Emphasis added). Independent claim 51 recites "a processor automatically

Appln No. 09/885,307
Amdt date October 11, 2005
Reply to Office action of August 12, 2005

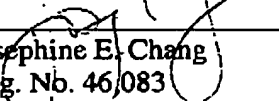
processing and generating acoustic analysis data for a plurality of audio pieces." None of the cited references teach or suggest these limitations.

The Examiner relies on the disclosure in Gang of an "Finger Map" method to contend that Gang teaches automatically processing audio signals and compiling audio characteristic information. However, Gang's "Finger Map" method is not disclosed in provisional patent application No. 60/214,753, to which Gang claims the benefit. Because the filing date of the Gang application is June 29, 2001, which is after the filing date of June 20, 2001, of Applicant's application, only the matter disclosed in provisional application No. 60/214,753 constitutes prior art. Accordingly, independent claims 1, 18, 24, 40, and 51 are in condition for allowance.

Claims 2-6, 9, 11, 19-23, 25-29, 31-33, 41-46, 48, 50, and 52-55 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and an early indication of allowance of the now pending claims 1-6, 9, 11, 18-29, 31-33, 40-46, 48, and 50-55.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Josephine E. Chang
Reg. No. 46,083
626/795-9900

JEC/lal
LAL PAS647286.1-* 10/11/05 10:55 AM